

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS



In re

ROBERT ROZMARIN
TATIANA ROZMARIN,

Debtors.

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Chapter 13
Case No. 09-44809-JBR

**MOTION OF CHAPTER 13 TRUSTEE
FOR ORDER DISMISSING CASE**

NOTICE OF BAR DATE OBJECTIONS/RESPONSES

Now comes the Chapter 13 trustee (the "Trustee") and respectfully moves that this court enter an Order dismissing this case and in support thereof states as follows:

1. On November 11, 2009, the above-captioned debtors (the "Debtors") filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. On December 23, 2009, the Trustee convened and presided at a §341 meeting of creditors.
3. The Trustee was unable to recommend confirmation of the Debtors' plan.
4. The Trustee contends that the Debtors do not have sufficient income to make payments under the proposed plan. The Trustee submits that the Debtors' failure to evidence sufficient income to fund a Chapter 13 Plan constitutes an unreasonable delay prejudicial to creditors pursuant to 11 U.S.C. §1307 (c)(1) and is grounds for dismissal.

5. Notice is given that any responses and/or objections to this motion are to be filed within twenty one (21) days of the date hereof. If no timely objections/responses are filed,

the Court may act on this motion without further notice or hearing as provided by 11

U.S.C. §102(1)(B).

WHEREFORE, the Trustee respectfully requests that this Court enter an Order
dismissing this case.

Respectfully submitted,
Standing Chapter 13 Trustee

Dated: 3/22/10

/s/ Joanne Psilos

Denise M. Pappalardo, Trustee BBO # 553293
Joanne Zoto Psilos, Staff Attorney BBO #556997
P.O. Box 16607
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CERTIFICATE OF SERVICE

I, Joanne Zoto Psilos, Staff Attorney do hereby certify that a true and accurate copy of the attached was served on the following parties on this date via first class mail, postage prepaid and/or electronically:

Dated: 2/29/10

/s/ Joanne Psilos

Denise M. Pappalardo, Trustee BBO # 553293
Joanne Zoto Psilos, Staff Attorney BBO #556997
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SERVICE LIST

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TATIANA ROZMARIN
40 LAURELWOOD DRIVE
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VLADIMIR VON TIMROTH, ESQ.
679 PLEASANT STREET
PAXTON, MA 01612

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ORDER DISMISSING CASE

The Motion of the Chapter 13 Trustee for Order dismissing case having come before this Court, no objections having been filed, notice and an opportunity for a hearing having been given, and for cause shown, it is hereby:

ORDERED: that this Chapter 13 case is dismissed.

U.S. Bankruptcy Judge

Dated: _____